

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, JANUARY 8, 1998

ATTENDEES: Barbara Cano, Bob Carty, Susan Klise, Ken Misner, Jean Rawson, Anne Taylor, and Rose Krasnow.

The meeting was called to order at 7:40 P.M. by President Barbara Cano. Rose reported that Dick Berman was not present because his father had passed away over the weekend. She mentioned that David Hearne of 315 NME also passed away last week. David had only recently been diagnosed with cancer.

Although no one was present for Community Forum, Susan said that Anita Gilbert, who resides at 9 Lakeside Overlook, wanted to know if the Board had heard anything about a group home in the community. Rose said that, in fact, the Jewish Foundation for Group Homes had recently rented 10 Lakeside Overlook and planned to use it as a group home for three mentally challenged adults and one staff member. Communication had been established with the agency, and there was some thought that the home would probably be far better cared for than it had been under previous tenants. The Board asked Rose to learn a little more about the age and sex of the residents. They were also curious as to whether any sort of notification had to be given to a community. Anita Gilbert had two teenage daughters and wanted to be sure that there would be no threat to them. Ken suggested that we invite a representative from the agency to talk to the Board. It was also suggested that the names of the residents be published in the directory, just as any other resident's names would be.

Susan also said she had been asked if there was going to be an International Dinner this year. Rose reported that the dinner would be held on Saturday, February 28th. A planning committee, headed by Raj Gupta, would hold its first meeting on Thursday, January 15.

Barbara Cano had received a letter from Herb Brubaker of 184 NME. Herb felt that the Association was not doing enough to keep his end of the lake clean. Rose said that the lake definitely collected more debris now than it did ten years ago. In the winter, it was very difficult to put the boat into the lake. Greenlink, the new landscape company, was willing to clean the lake from the shore each time they were here to mow the grass, and they were willing to explore the possibility of going out in the NMC boat once a month during the mowing season. The Board wondered if volunteers might be able to help out, in a manner similar to the Adopt a Highway program. No one knew how much liability this might incur.

After a brief discussion, the minutes and agenda were approved as read upon a motion by Ken, which was seconded by Bob. Susan and Jean abstained, since they were not present at the December meeting. Ken asked if Board members should attend the meeting being held in January between Tower-Oaks and the residents of Don Mills Ct. Rose felt that this meeting was only meant to include residents of the block.

Under her Administrator's report, Rose addressed the following issues:

- 1) Geese: The number of geese and ducks on the lake was continuing to grow. The bridge, sidewalks, and grass were covered with poop, and residents were complaining. There did not appear to be an easy answer to the problem; all of the country clubs near by were using border collies to chase the geese away. Bob Carty offered to call the state's Department of Wildlife Resources to see if they could offer any help. (Barbara said that we would be willing to keep the geese if they could clear the lake of trash!)
- 2) Lawn Maintenance - A contract with Greenlink had been signed. Mark was going to walk the community with Rose and Jim in January to discuss projects over and above the regular lawn maintenance.
- 3) Pool Whitecoat: References for both Wilcoxon and Poolservice checked out well. Given the problems with our last whitecoat, which had been applied by Poolservice, and the fact that Wilcoxon's bid was somewhat lower, the Board voted unanimously to accept the Wilcoxon bid (Motion by Ken, seconded by Anne). Ken pointed out that it would be a good idea to get a blueprint for the proposed new step before construction began to make sure that there were no surprises. Rose said that the County Health Department would probably have to approve the step addition. Susan asked if the pool was losing water, because the cover seemed to be sagging significantly.
- 4) Lighting on the Esplanade - Several lights on New Mark had been out for months, but the problem involved the underground wiring. One of the higher ups at PEPCO, Ken Farrell, had been contacted, and action was promised by the end of the week. The Board suggested that if the lights were not fixed quite soon, Mr. Farrell's phone number should be published in the newsletter.
- 5) Dues - Checks were being received in a timely manner for the first installment of the dues. Delinquent dues from 1997 were still being pursued. Rose also reported that the number of rentals in the community was down.
- 6) Towing - SJM Towing had been taken over by a new company. Rose met with John Zanger to go over the community's towing policy. John said that they would start patrolling the community every evening, looking for cars parked illegally in fire lanes or around the center islands. Only Rose could call the towing company to remove cars from someone else's space.
- 7) Basketball Hoop - A new portable hoop had been located on the street at 18 Watchwater, which the neighbors felt was very dangerous. The owner of the property, Cam Boyce, asked his tenants to move the hoop to their driveway.
- 8) Water main break - A water main had broken in the 200 block on December 29th, flooding a row of 4 townhouses. The city had trouble finding the shutoff valve because none of their maps showed the townhouses. Rose advised all Board members to be sure to purchase water and sewer backup insurance, which rarely cost more than \$35.00.

Under committee reports, Rose reported that Paul Kollins would be sending New Mark a revised bid, with larger plants as well as suggestions for some different types of plants. Ken said that his wife, Geri, a member of the Garden Club, had liked Mr. Collins plan.

Barbara said that she wanted to readdress the screening in the clubhouse parking lot, because she felt the current shrubs would never grow large enough to block the neighbors' view of the many boats. Rose said that she would get some suggestions and a quote from Greenlink.

Anne mentioned that when the tree cutters were in the community recently, they leaned a ladder up against her home and scared her quite thoroughly when she heard someone on her roof. The Board wondered if it really was the tree company, since there was no real need for them to be on anyone's roof. Rose agreed to discuss this with Mr. Bonifant.

Under old business, the Board discussed the motion which was approved at the December meeting calling for a subcommittee to be appointed to analyze the duties of the administrator. Rose had written a memo stating that after 12 ½ years on the job, she was taken aback by this suggestion. Jean explained that she had simply felt unprepared to discuss the Administrator's salary when the topic first came up in November because she had no idea of what the salary had been over the years or how it had increased. Bob moved that the proposed analysis be canceled. Ken seconded the motion, which passed unanimously. Rose pointed out that on certain occasions she had been given a year-end bonus. A bonus had certain advantages over a raise, because it did not increase the salary level of the administrator and, once the year was drawing to a close, the Board would know whether any money was still available in the budget. Susan asked Rose to prepare a year end budget for 1997 to determine the level of funds that remained. The Board then asked Rose what they could do to make the job a little easier. Rose suggested that Board members could write the "Splinters from the Board" column in the newsletter each month. Susan felt that the officers could rotate this task, and Barbara, as President, agreed to be first. Rose also said that it was helpful when Board members volunteered to look into various issues, such as the ongoing problem with the geese.

Under new business, Susan mentioned that her son was interested in starting a kid's column in the newsletter. Everyone thought this was a fine idea. The 1998 Annual meeting was set for Wednesday, March 25th at 7:30 P.M. In addition to having the city forester bring the community up to date on the street tree master plan, it was suggested that we might be able to get one to discuss the goose situation as well.

The meeting was adjourned at 10:15 P.M.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, FEBRUARY 5, 1998

ATTENDEES: Dick Berman, Susan Klise, Jean Rawson, Anne Taylor, Rose Krasnow, Dirk Nies and Linda Silversmith.

The meeting was called to order at 7:40 P.M. by Vice-President Dick Berman. No one was present for Community Forum. The minutes and agenda were approved as read upon a motion by Anne, seconded by Jean. Dick abstained since he had not been in attendance at the January meeting.

Linda Silversmith spoke on behalf of the Garden Club. She said that the Board and the Club needed to quickly resolve their differences over landscaping the bridge steps because the work should really be done in late March. If the plan was going to change significantly, new bids would have to be obtained and time could become a problem. Rose said that she had asked Greenlink to prepare a plan, with no input from the community about the types of plants desired, budget constraints, and so forth, in order to see what they might come up with. They could also be asked to bid on the current proposal. Linda explained again that the Garden Club had not really liked any of the plans submitted, so they had drawn up their own, incorporating the best elements from each. Once this had been done, East Coast Landscaping came in with the lowest bid. To settle the debate, the Board agreed to meet with the Garden Club at the Lake Steps at 9:00 A.M. on Saturday, February 14th. The Garden Club also thought that the dogwoods on the front entrance island should be replaced with new ones. Dick asked if a different kind of tree should be planted, since the dogwoods had not survived in that location. Linda responded that other varieties of dogwood were not as susceptible to disease.

Under the Administrator's Report, Rose discussed the following items:

- 1) Erosion Control - Rose and Danny Sivert had toured the community during a heavy rainstorm and had observed many different stormwater problems, including blocked storm drains, eroding hillsides, improperly placed grates, and so forth. Mr. Sivert had submitted a proposal addressing each area of concern. The total cost, should everything be done, came to \$14,200. Rose pointed out that two of the costlier items, including replacing the retaining wall to the rear of 328 NME and diverting the water flow from the front of 334 NME, required the agreement of the homeowners coupled with some sharing of the costs involved. The remaining items together totaled \$8625.00. Susan moved that we seek the approval of the two homeowners in question and move forward with the entire proposal. Jean seconded the motion, which passed unanimously.
- 2) Grounds Maintenance - Greenlink submitted bids for several projects requested by the Board, and the quotes were a bit surprising. For example, Greenlink was asked to bid on removing the composting pit at the end of the clubhouse parking lot. Although Mark Shekletski stated verbally that the project should cost between \$800 and \$1000, a "Not to Exceed" bid was submitted for \$1600. (Sivert had submitted a bid for \$800.00). Likewise, to clean up the remaining leaves left by T&J, Greenlink proposed a reasonable man hour rate of \$30.00 per hour, but the not-to-exceed price was

\$3900. Bids for plant material, on the other hand, seemed acceptable. Rose agreed to let Mark know that he was building in too much of a cushion in his "Not-to-exceed" bids, and it was scaring the Board away. In the meantime, Richard moved that we hire Sivert to clear the Clubhouse Parking lot of debris. Susan seconded the motion, which passed unanimously.

- 3) Geese - Bob Carty had researched the issue of geese on the lake and felt that there was little that could be done to permanently alleviate the problem. His memo pointed out that it would help, however, if people would not feed the geese. Rose agreed to write a newsletter article about the problem and to solicit community input.
- 4) Audit and Budget - The 1997 audit of New Mark's books recently began. The Board had also received an accounting of actual vs. budgeted expenditures for the prior year which showed a surplus of more than \$6000.
- 5) Dues - Some activity had occurred regarding outstanding dues. The accountant was going to write off the amount owed by Mr. Shi of 112 NME, since John Bell had foreclosed on the property and was not required to make good on any of the outstanding balance. The Freeds had sent in a check for \$350.00, as had the Amirs. Mr. Moradi had sent in two checks covering all past dues as well as fees for all of 1998. However, he still refused to pay any of the legal fees, which now amounted to \$518.26. Rose had offered to waive the legal fees if Mr. Moradi would contribute that amount to relandscaping the common grounds in front of his home, but Mr. Moradi was not interested. The Board unanimously agreed that legal action should proceed. However, the Board wanted to know if the 1998 dues could be deposited, since they were not part of the lien proceeding. Rose said she would check with New Mark's attorney. Otherwise, 1998 dues, for the most part, were being submitted in a timely manner. Susan wondered whether our accountant could possibly handle the collection process, since it was sometimes difficult for Rose to go after people who were her friends and neighbors.

Under Committee reports, Rose pointed out that the number of ACC applications (74) received in 1997 was double the number received in 1996, which seemed to indicate a growing acceptance of the process.

Under old business, Rose said that the residents of Don Mills Court had met with Tower Oaks to discuss the proposal to build 12 new homes that would be part of New Mark on the land adjacent to Don Mills. No formal response to Tower Oaks had been conveyed to date. The Board suggested that Tower Oaks present their plan at the Annual Meeting.

The Board decided to move ahead with several landscape projects proposed by Greenlink, including new screening for the clubhouse parking lot (\$1400), leaf removal not to exceed \$1000.00, replanting the dogwood in front of 242 NME (\$75.00), and planting a new Blue Spruce in the circle at 10 Watchwater (\$180).

Rose reminded the Board to encourage people to run for the three Board vacancies.

The meeting was adjourned at 9:50.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MARCH 5, 1998

ATTENDEES: Dick Berman, Barbara Cano, Bob Carty, Susan Klise, Ken Misner, Jean Rawson, Anne Taylor, Rose Krasnow, Ed Mikulich and Wayne Masiker. Bill Kominers and Dave Weiss attended on behalf of Tower-Oaks.

The meeting was called to order at 7:35 P.M. by President Barbara Cano. Ed Mikulich and Wayne Masiker had come to community forum to voice their concern about the condition of the roadway on Vallingby. Several months ago, the gas company had drilled several holes on the street in order to find the source of a gas leak. A larger hole was then dug. The temporary patch was rapidly disintegrating, making the road hazardous for pedestrians and drivers alike. They also pointed out that the roadway on Scandia was also sinking again, even though the city had put in a permanent patch after a major water main break there two years ago. Rose said that she would have the city look into both matters.

Bill Kominers presented a brief history of the School Board site, explaining that at one time Tower Oaks thought the site would be developed with townhouses with access of Wootton Parkway, but that it now seemed more feasible to build 12 single family homes that would be accessed off of Don Mills Court and would become part of New Mark. One of the twelve would actually be located on Don Mills Ct. Although the site is currently zoned residential, approval would have to be obtained from the city to allow R-90 cluster zoning, so that the lots could be grouped together. The resulting lots would be 8000 sq. feet vs. 9000 in a typical R-90 development. The closest home would be 235 feet from Marty Reiss's house and 405 feet away from Mark's. Jean wanted to know if the affected residents on Farsta Court had been included in the ongoing discussions with the Don Mill's residents. No one could remember, but Rose said she would notify them. Ed Mikulich wondered what would be built South of the school board site, but Bill said that was unknown at this time, although a residence inn was still a possibility. Ken asked about the type of homes that would be built. Mr. Weiss stated that if he were to end up building them, the homes would be 2300 - 2800 square feet. There would be 2 - 3 different models, and prices would start in the mid-200's, with an average in the low 300's. Although he expected that the houses would be colonial on the inside, Mr. Weiss said that he would be sensitive to the surrounding area when choosing the materials for the outside. Dick wanted to know who would own the rest of the land on the school board site. He was concerned that the tree buffer might be removed at some point in the future. Bill felt that it would probably be best if the land belonged to the Association. Ken asked if sound barriers would be installed. Bill responded that the developer would not put them up, but that the state could, if it so desired. Mr. Weiss said that the houses themselves would probably help attenuate some of the expressway noise, but no one felt too optimistic in that regard. Dick asked how long construction would last. Mr. Weiss said that anything longer than 18 months would be unacceptable from a financial standpoint. Before leaving, Tower-Oaks asked the Board to consider endorsing the proposal, prior to the annual meeting.

Susan Klise thanked Ken, Raj, Rose and others for their work on the International Dinner, which was a huge success.

After correcting two minor typos, the amended minutes were approved, upon a motion by Susan, seconded by Jean. Barbara Cano abstained, since she had been absent.

Under her Administrator's report, Rose covered the following:

- 1) Two cars had been broken into on Sunday, March 1, including one in the 100 block and another in the 200 block. The Board wondered if youth from the Tracey Group Home could have been involved.
- 2) Kumar Barve had introduced legislation that would more strictly monitor and regulate Group Homes. Alan Terhaar had gone to Annapolis to testify in favor of the bill. Apparently, however, there was a lot of opposition to the bill because proponents of group homes felt that this was an attempt by NIMBY's to keep such homes out of residential neighborhoods. Dick Berman said that he had written a letter to Jenny Forehand in support of the lien bill and had learned that she was one of the sponsors of the legislation in the Senate. Jenny could not ascertain whether the bill would pass.
- 3) Danny Sivert had discovered that the drainage work done in 1991 in the area behind 260 - 274 NME had not worked because perforated pipe had been used instead of solid pipe and "T" connectors had been used instead of "Y" connectors. He had submitted a bid not to exceed \$1700.00 to replace the pipe and fittings. Upon a motion by Jean, seconded by Bob, Mr. Sivert's proposal was unanimously approved.
- 4) Plans for landscaping the steps had been received from Greenlink, but the proposal was quite different than that envisioned by the garden club. The Board expressed support for the garden club's revised plan, but Barbara said she was still concerned that there was no access for strollers. The Board agreed to eliminate two bushes near the benches to allow such access. Barbara was also concerned about the tree that would be planted near the bridge, but it was pointed out that the tree was lacy in nature and very slow-growing. A bigger concern was whether the tree would be stolen, since Japanese maples are costly. The Board reviewed Ilona Nickel's letter, in which she voiced her displeasure about the look of the new steps. The Board asked Rose to send her a reply, stating that the landscaping should soften the look considerably and that many people liked the visual appearance of the new steps. Susan moved that the garden club's design be accepted and put out for bid. Anne seconded the motion, which passed unanimously.
- 5) Greenlink had submitted a bid of \$1066 to mulch the trees along the Esplanade. Upon a motion by Barbara, seconded by Susan, the board unanimously agreed to accept this bid, along with a bid of \$426 to do some landscape work in the 100 block and to replace a dogwood tree near David Wolfe's house.
- 6) Dues were coming in at a faster rate than last year. Only twenty-six late letters had been sent out. Rose felt that the \$25.00 late fee was largely responsible for the better results. Four late fees had already been received.
- 7) Ken Misner, who was not present at the last meeting, wanted the Board to readdress the issue of geese on the lake. He did not understand why no one wanted to use a chemical product such as ReJex-it. Dick pointed out that apparently the chemical could be toxic to fish. It was also unclear how much it would cost to use the product. Bob Carty offered to do some additional research. Rose said that Russ Brown had

called to suggest that we put flags on the hillside to scare the geese away. He said that this method was frequently used by farmers on the Eastern shore.

Under Officer and Committee reports, Ken reported that he had attended the CAI Expo and found it extremely beneficial. He participated in three sessions, including one on the Fiduciary Responsibility of Boards, one on professional management services, and one on progressive and creative collection procedures. Ken said that despite some collection problems last year, we seemed to be in far better shape than others who attended the session. Ken strongly recommend that several Board members attend future Expos.

Rose said that the Property Maintenance letters had gone out, along with suggestions on how to deal with some of the more ubiquitous problems. Non-standard front lights had been noted often. Rose said that she did not see much advantage to a standard light fixture for everyone, except that it was a good place to display house numbers. Dick pointed out, however, that if the front light was not on, the house numbers could not be seen.

Under old business, the Board discussed the Tower Oaks proposal. No one wanted to take a formal position on the plan until the community had a chance to provide input at the Annual Meeting.

The meeting was adjourned at 10:20 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, APRIL 2, 1998

ATTENDEES: Bob Carty, Anamika Krishna, Ken Misner, Jean Rawson, Amy Sloan, Anne Taylor, Jim Denny, Rose Krasnow

The meeting was called to order by Rose Krasnow at 7:40 P.M. Although no one was present for community forum, Rose and Jim informed the Board that Margaretha Bull of 294 NME had planted several trees in back of 854 and 856 NME to screen the fences from view. Margaretha had not asked her neighbors if they minded, and they were concerned that they would have to maintain the trees and that the trees would eventually provide too much shade on their patios. The Board felt that Margaretha had violated the rights of others, but it was also recognized that she had invested a fair amount of money and time. Therefore, rather than simply removing the trees, Rose agreed to try to facilitate a discussion among the parties to see if a compromise could be reached. One suggestion was to replant the trees further from the fences.

To select officers for the coming year, the floor was opened up for nominations. Anamika nominated Ken Misner for President. Anne seconded the motion, which passed unanimously, although Ken abstained. Anne then nominated Jean Rawson for Vice President. Ken seconded the motion, which passed unanimously. Jean then nominated Anne for Treasurer. The motion was seconded and passed unanimously.

The minutes and agenda were approved upon a motion by Jean, seconded by Anne. The new members abstained, since they had not been present at the previous meeting.

Under her Administrator's report, Rose discussed the following items:

- 1) 168 NME was cited as hazardous by the fire Marshall.
- 2) Geri Kochan had written to express several parking concerns. Some realtors were implying that each townhouse had two parking spaces, not one. In addition, more people were starting to park in the "No Parking" zones around the center islands. NMC's towing company would not tow these improperly parked vehicles because it was up to the fire marshall to cite the owners. Rose agreed to ask the fire marshall to examine different areas within New Mark.
- 3) The Board discussed ways to make the clubhouse handicapped accessible. It was agreed to look at the area as part of the May Board walk-through.
- 4) New Mark's insurance was renewed with Montgomery Mutual because the price was only \$300 higher than last years and their service has been excellent.

- 5) Geese were still a problem at the lake. Bob Carty had learned that the average goose leaves 1250 pounds of droppings every year. Yet, when doing further research on ReJex-It, Bob learned that ReJex-it could be slightly toxic to fish. The Md. Dept. of Agriculture emphasized that the geese might go elsewhere if people would not feed them, and if fescue was planted along the lake's edges. Rose said that our lake consultant, EQR, does nothing about geese. The Board opted to observe the situation for a longer period of time before deciding if any action were necessary. However, Rose agreed to ask Greenlink if they could sweep the lake sidewalk clean.
- 6) The Priority Lien Bill, as well as group home legislation, failed to pass in Annapolis.
- 7) Van Grack had advised Rose to deposit both of Mr. Moradi's checks in the bank. The lien would still stand, but the amount owed would be less.

Under committee reports, the Board compared Greenlink's bid with that of East Coast Landscaping. While East Coast was more expensive, the Board was inclined to use them because they had worked with the Garden Club for almost a year on this project. Bob moved that we ask East Coast to lower their bid by \$200 to \$4500. If they agreed to the lower price, they would receive the contract. Jean seconded the motion, which passed unanimously. It was announced that Geri Misner had been selected as the Garden Club's new president.

Regarding property maintenance, Rose had received several letters back in response to the community enhancement survey. Residents had some specific questions, and Rose did not feel that she could answer them well. Bob suggested that Rose write responses, letting people know that someone would contact them to provide further information.

Under old business, the Board discussed Tower Oaks proposal to build homes at the end of Don Mills Ct. Since Mark Wetterhahn was not willing to negotiate regarding the number of homes that could be built, there appeared to be no easy solution. Amy suggested that we invite Mark to the next Board meeting.

Rose was asked to leave the meeting briefly. After the Board's discussion, the meeting was adjourned at 9:40 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, MAY 7, 1998

ATTENDEES: Bob Carty, Sherry Matz, Ken Misner, Jean Rawson, Amy Sloan, Anne Taylor, Rose Krasnow, Richard Berman, Jim Denny, Melody Gooding and Andrew Korb.

The meeting was called to order by President Ken Misner at 7:35 P.M. Dick Berman was present to discuss the findings of the most recent community enhancement survey, which focused on the detached homes. He said that several of the circles looked unkempt, including Farsta Court (end near Dogwood), Vallingby Ct. and Watchwater Court. Dick felt that the NMC garage needed painting, and he asked what the city's policy was regarding dying street trees that need to be removed. He noted two junk cars with expired tags at 20 Watchwater Way and also said there were several ugly, rusted C&P boxes within the single family area. On the whole, however, the committee felt that the single family areas of the neighborhood looked quite good.

Dick also raised the issue of replanting the willow along the lake. He said that the lake committee had voted in favor of the willow and the Board had affirmed their decision three years ago. Linda's survey did not include the people in the 100 block who look directly at the willow; moreover, of those she did survey, many still wanted a willow. Jean moved that the Board move forward with planting another willow. Anne seconded the motion, which passed with a 5-1 vote (Bob Carty voted nay).

Andy Korb and Melody Gooding, of 274 NME, were present to appeal the ACC's denial of their request to install a new, raised panel door with a small sunburst window. It was clear that there was division, not only among members of the community, but also among members of the Board, concerning whether the multi-colored, single panel doors made the community look cheap or were, in fact, in keeping with the contemporary nature of the homes. Andy pointed out that there did not seem to be a standard for storm doors, and he felt many of those looked colonial in style. The Board asked Mr. Korb why he had not filed an official ACC request. Mr. Korb pointed out that he had received a community enhancement letter from the Board asking him to do something about his front door, so he thought that it was in effect "pre-approved". He noted that many homes in the 200-300 block already had panels and or glass inserts. However, he had called Rose just to be sure, and she had informed him that raised panel doors with glass were not allowed. Further discussion of the door issue was tabled until new business.

The April minutes were approved upon a motion by Jean, seconded by Anne. The only change noted was that Sherry Matz had been in attendance, but the minutes excluded her. The agenda was also approved.

Under her Administrator's report, Rose discussed the following items:

- 1) 878 NME - Although no one was particularly pleased, the lien against Mr. Moradi had been lifted, given his urgent need to secure an equity loan to pay for surgery required by his wife. All past dues and his 1998 dues were paid in full; however, no legal fees were collected. A letter had been sent to Mr. Moradi informing him of this action.
- 2) A discussion with Margaretha Bull of 294 NME had been initiated, to determine why she had planted bushes on the common ground near 854 and 856 NME without first obtaining permission. However, Ms. Bull was no longer in town, and it was not clear when, or if, she would return. The Nies, of 296 NME, had offered to maintain these bushes, and it appeared the 800 block residences were willing to accept this compromise.
- 3) The street lights that were maintained by the Association were requiring more maintenance than anticipated. A list had been started in order to follow when each light needed work, and what needed to be done.
- 4) Jim Denny had injured his thumb while cleaning the gutters over the NMC garage and was somewhat limited in what he would be able to do for the next four to eight weeks.
- 5) Rain was making it very difficult to complete the pool whitecoat in a timely manner, but Wilcoxon still hoped to complete the task within the next week. In the meantime, Rick Curl said that he had co-coaches lined up for New Mark, and that both of them would also serve as pool manager.
- 6) A bid had been obtained to resurface the concrete floors in the clubhouse, but there was no time to get this done before the pool opened in May. Rose also asked the Board if they wanted to have the wooden clubhouse floor refinished. Jim pointed out that new (stacking) chairs should be purchased first because the existing metal folding chairs would scratch the new surface. The Board tabled further discussion of these matters until the Fall.
- 7) Under correspondence, members were asked whether they wished to attend CAI's ABC's workshop. Sherry, Bob and Ken definitely wanted to attend; Anne and Amy were not certain but indicated interest.

Under committee reports, Jim Denny told the board that Mike Azami of 222 NME had installed a basketball hoop to the rear of his townhouse without applying for permission. Furthermore, the guidelines clearly stated that no hoops would be allowed in the townhouse areas. Rose had spoken to Van Grack, who suggested that she write a letter to Mr. Azami to inform him of the violation and to tell him that the hoop had to be removed within fifteen days. Ken asked that the letter be CC'ed to himself and to Van Grack.

Speaking on behalf of the landscape committee, Rose pointed out that the new landscaping by the steps leading to the bridge had received many favorable comments, although several individuals had expressed surprise that the community would plant something as expensive as Japanese maples. Rose also said that Greenlink, our new landscape company was behind schedule, but that this was due to the weather. Rose had received a few calls stating that the grass looked quite rough after being mowed. She also noted that some of the circles were still being missed.

Under old business, the Board once again discussed the Tower Oaks proposal to build twelve new homes off of Don Mills Court. While the Board recognized the financial advantage of having new homes in the community, since more dues would be collected and there would be a buy-in upon closing, there was concern that New Mark might not want to oppose Mark Wetterhahn. For more than twelve years, Mark had lent his expertise to the community, pro-bono, on all matters regarding Tower Oaks and had secured many advantages for New Mark as a result. No one wanted to see the community split over this issue. The Board was still not sure who had the ultimate say in this matter, i.e. could the Board overrule Mark or had earlier agreements given him the ultimate decision making authority. While Tower Oaks was eager to know the Board's answer, there was no real rush on New Mark's part. Therefore, the matter was tabled until the June meeting, which hopefully Mark could attend (He was out of town for the May meeting).

Under new business, the Board turned its attention back to the matter of the front door at 274 NME. Bob moved that the door proposed by Mr. Korb be approved, upon submission of the appropriate ACC form. Jean seconded the motion, which passed unanimously.

The meeting adjourned at 10:05 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, JUNE 4, 1998**

ATTENDEES: Ken Misner, Anne Taylor, Anamika Krishna, Sherry Matz, Jean Rawson, Rose Krasnow, Arnold Rubin, Mary Lee & Mark Fow, Ann & Marty Reiss, David Klauder & Christine LeFevre, Mark & Marilyn Wetterhahn, Rob Johnson, Jim Denny.

The meeting was called to order by President Ken Misner at 7:32 P.M. The residents of Don Mills Court had been invited to discuss Tower Oaks' proposal to build 12 houses at the end of their block. Rose gave a brief summary of the Stipulation of Settlement that had been agreed to in 1985 when New Mark sued the City of Rockville over the rezoning of the Tower Oaks property. She explained that the ten acre school site, while owned by Tower Oaks, was not a part of their comprehensive plan for the rest of the development. Moreover, in the early 90's, Tower Oaks decided to use a portion of the ten acres to provide wetland mitigation required by the construction of Tower Oaks Boulevard. This precipitated an amendment to the original agreement with New Mark. For example, Tower Oaks agreed that the created wetlands would remain as wetlands, even if the Federal definition of wetlands changed. This meant that the wetland portion of the ten acres could never be developed, thereby providing a buffer for the community.

Mark Wetterhahn explained that Tower Oaks had a history of taking as much as they could in order to benefit their bottom line. Mark said he had worked hard over the years to protect New Mark's interests. For example, when the wetlands were built, Mark made sure that all construction traffic came from the south instead of entering through the community. Likewise, he convinced Tower Oaks to pay for the new playground near the tennis courts and to add additional buffering when the Villages were built behind Scandia. Mark strongly believed that the construction of 12 homes would have a negative impact on Don Mills Court. He said that he was not trying to prohibit all development on the site, but that 7 homes was a more reasonable number. Tower Oaks had never responded to his letter in which he asked whether 7 homes would be economically viable.

Marty Reiss pointed out that when Rockville built the infiltration basin at the end of Don Mills, residents of the street had entered into a separate agreement with the city. It stated that the entrance to the infiltration basin could not be used as a roadway to any other development if there was an objection from one or more residents of Don Mills Ct. who had signed the original agreement. In other words, the Board could take a position that differed from that of Don Mills, but residents of the block had grounds for taking legal action if development took place without their consent.

The Board discussed what the impacts on New Mark might be if the site were developed with access from the South. Ken also pointed out that if the community could reach an agreement with Tower Oaks regarding the number of homes to be built, other issues such as the amount of the buy-in and the construction of appropriate buffers would still have to be worked out. Anamika pointed out that at the Annual Meeting the Board had promised to write up the pros and cons of developing the site as part of New Mark. She felt that no action should be taken by the Board until the community had been given this information. Rose wondered if it might be possible to get the city to purchase the land with Project Open Space funds. The discussion concluded when the Board agreed to write a letter to Tower Oaks asking them to respond to Mark's letter.

Arnold Rubin of 312 NME wanted to bring several issues to the Board's attention. He asked whether our playground equipment was ever inspected for safety defects, and said that his wife was willing to serve on a playground committee if one was organized. He was also concerned about the rise in vandalism that had occurred in the 200-300 block of the townhouses. The island's "No Parking" signs had been vandalized, a car had been broken into and suffered considerable damage, people parked around the island in violation of the fire lanes, and so forth. Arnold voiced his opinion about the geese on the lake, pointing out they do keep some predatory animals away. Rose said that, on the whole, she had received more letters or calls in favor of the geese than opposed to them. The Board still felt that more information was needed before a course of action could be chosen.

Jim Denny said that he had seen loitering increase in the clubhouse parking lot and had called the police on more than one occasion. The issue was recently highlighted when Rupert Curry's boat burned up. The fire marshall ruled that the fire had been intentionally set. Jim felt that residents should be reminded to call the police if they saw anything suspicious in the clubhouse lot.

Anamika wondered if there had ever been any discussion of lighting the tennis courts. Rose said that this had been considered in the past but had been ruled out based on the expense as well as the nuisance factor for nearby residents.

Jean Rawson said that Terry Kaufman of 21 Watchwater was still very upset about the unlicensed vehicles owned by her neighbor, Herb Spark. The issue is a difficult one to deal with because the cars are parked in the circle, which is not owned by New Mark or by the city. Other than writing a letter to the Sparks, Rose was not sure that any action could be taken.

Jean also said that Pat Ritter of 10 Scandia Way was concerned that her neighbors had removed two large, live trees. Again, a newsletter reminder was recommended.

Upon a motion by Jean, seconded by Sherry, the minutes and agenda were approved as written.

Under her Administrator's report, Rose discussed the following items:

- Vandalism continues to be a problem, as noted earlier. Finding a resident to serve on the city's neighborhood watch committee would be helpful. It was suggested that a newsletter article be written with tips for preventing vandalism.
- Three days after the due date, 81 people had not paid their dues. This was a fairly typical number.
- A bid for concrete was being obtained from a new contractor. During the walkthrough, it appeared to make more sense to replace some longer stretches of sidewalk, rather than have a checkerboard effect with every other square being new. Therefore, the bid would probably be high.
- The erosion work was continuing. New problems were being discovered with the pipe behind 334-336 NME, resulting in increased cost.
- Correspondence had been received from two residents of the 100 block, complaining about the tenant at 158 NME. The home is occupied by a single mom with two teenage sons. The mother travels a lot, and the sons have created numerous problems, including noise late at night, people coming and going at all hours, trash on the common grounds and so forth. Rose was asked to check with the city to see if the mother's absence constituted neglect. In addition, she agreed to write a letter to the mother, with a copy going to the landlord in Florida. Jeff Van Grack would also be consulted.
- Correspondence was also received from Dick Berman, who asked that the Board not back down from their earlier vote to replace the willow that had been chopped down by a beaver. The Board reaffirmed their decision to have the willow replaced. Rose also said she had received several favorable comments about the landscaping by the lake steps. Ken Misner volunteered to water the new plants while Jim Denny was away on vacation.

Under his ACC report, Jim Denny informed the Board that Mr. Azami of 222 NME had constructed a basketball hoop, even though the ACC guidelines clearly stated that basketball hoops would not be allowed in the townhouse area. Jeff Van Grack recommended that the Board send a letter to Mr. Azami, giving him 15 days to remove the hoop. If this did not work, Jeff would write a letter as our attorney, making it clear that legal action would follow.

Under new business, Rose reported that the city had received a proposal to build seven single family homes on the Barnsley property at 611 Monroe Street. She said that the Monument Place homes had sold out, and that it was unclear what might happen at the corner of Maryland and Argyle, since that property was up for sale once again.

Upon a motion by Anne, seconded by Jean, the meeting was adjourned at 10 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, JULY 9, 1998

ATTENDEES: Sherry Matz, Ken Misner, Bob Carty, Anne Taylor, Anamika Krishna, Amy Sloan, Rose Krasnow, Mike Azami, Jim & Dorie Mangan, Nancy Schapiro.

The meeting was called to order at 7:32 P.M. Mike Azami, of 222 NME, attended the meeting to voice his disagreement with the letter he had received from the Board regarding the railing he had put on his deck and his encroachment upon the common grounds. Mr. Azami said that he needed a railing to keep the geese off his deck. He stated that there were many different types of railings on decks within in the community and that his was nicer than many, even though originally it was an interior railing. He also claimed that he had not encroached upon the common ground; that his property went out as far as the sloping hillside. Mr. Azami was asked to submit an ACC application for both of the above modifications. A formal decision would be made once the application was in hand.

The Mangans and Nancy Schapiro, residents of Farsta Court, wanted to know when the burned out boat in the clubhouse lot would be removed. They pointed out that the parking lot tended to be enough of an eyesore as it was. In addition, they said that loitering in the lot was quite common, although not as frequent as it was 15 years ago. Anamika asked if a gate could be installed that would be accessible only with a pass card. This was deemed to be too expensive and ugly. Dorie asked if the vehicles could be parked closer together in one part of the parking lot. Nancy asked if the bright blue tarps could be replaced with ones of a more sedate color, such as gray.

After the speakers left the community forum, the Board made the following decisions.

- 1) Everyone was asked to look at the Azami property, so that the application could be decided on its merits. The property line needed to be clarified. Bob in particular felt that the Board had no right to give up any of the common grounds for personal use.
- 2) Rose said that the Curry boat was not the only problem in the lot. Jim Zondlo had moved and left his sailboat behind. While several people were interested in the boat, no one could claim it without a transfer of title. Members of the Board strongly felt that neither the Curry boat nor the Zondlo boat should be allowed to remain. If the owners would not cooperate, Rose was instructed to have both vehicles towed away. (Bob Carty mentioned that he had a car with a flat tire and no license towed from the 200 block).

Ken Misner amended the minutes of the prior meeting to reflect that he had reminded everyone about the ceremony being held at the lake which would feature the dedication of a tree in honor of Helen Reed, founder of the New Mark Garden Club. The amended minutes and agenda were approved upon a motion by Sherry, seconded by Anne. Bob Carty abstained since he had not been present at that meeting. Ken then thanked those Board members who had attended the Garden Club dedication, and he handed out some pictures of the occasion.

Under her Administrator's Report, Rose covered the following items:

- 1) Concrete - The total bid for concrete work was over \$12,000. This was in addition to the \$3200 quote for restriping and numbering the parking spaces and repainting the basketball court. The company, Commercial Concrete, had received very good references, but New Mark had not used the company before. Rose wanted to know if the Board wanted to do all of the proposed work or do a smaller portion this year to insure that the work being done was satisfactory. Sherry moved that we accept the \$3200 bid for striping but limit the approved concrete work to \$6000, with Rose establishing the priority list. Anne seconded the motion, which passed unanimously.
- 2) Reserve Study - The Board discussed whether to move ahead with an updated reserve study. The company that had done New Mark's first reserve study had submitted a bid, and it seemed quite reasonable. Rose said that the company had been good to work with and had produced a helpful and very readable report. Nevertheless, the Board agreed with her recommendation to solicit other bids.
- 3) Pool Lights - New Mark's electrical contractor had been called in to fix the pool lights, which kept tripping the circuit breaker. After spending many, many hours trying to troubleshoot the problem, the lights still were not working. The bill was already over \$2000. Rose said that the lights had to be fixed, but that she was not sure that the current contractor was capable of doing the job. She said that she would keep the Board updated on the issue.
- 4) Lake - At the Board's request, a bid had been obtained to install a second, smaller fountain and to clean out the plunge pool under the bridge. The board agreed with Rose's recommendation to postpone adding a fountain until next year. Upon a motion by Bob, seconded by Anamika, the Board unanimously approved a bid of \$1100 to have EQR clean out the plunge pool.
- 5) Dues - In the month that had elapsed since the last meeting, the number of people who were delinquent in their dues had decreased from 81 to 18. Of those, five were paying in installments and Rose had no doubt that they would pay in full by year end.
- 6) Asphalt sealing - The Danny Sivert Company had submitted a bid for \$6450.00 to crack fill and seal the 100 block of NME, the Clubhouse parking lot, and the driveway up to the Clubhouse. In addition, Mr. Sivert stated that if we went ahead with this work, he would fill the cracks in all the other

townhouse lots at no additional charge. Upon a motion by Amy, seconded by Bob, the Board voted unanimously to accept Mr. Sivert's bid.

- 7) Correspondence - The Board was reminded that the CAI conference was July 18th. In addition, Rose had received a series of letters from June Whaun of 336 NME. The erosion work that had been done behind her house had destroyed much of the ground cover that she had planted over the years on the common grounds, and June hoped that the Association would replace it. Board members were asked to take a look at the property in question so that a decision could be made at the August meeting. Finally, Rose mentioned that our tree company had severely cut a pine tree behind 270 NME, even though they had not received permission to proceed. The homeowner, Barbara Young, was very upset and had written requesting compensation. Since the contractor was at fault, Rose had asked him to deal directly with Ms. Young to determine the appropriate course of action.

In follow-up to Rose's report, Amy mention that Condo dues were subject to Fair Debt Collection Practices, and she wondered if HOA dues might be as well. Anne Taylor asked who outside of the community was allowed to join the pool. She said she had received a call from a homeowner who had seen some undesirables asking about membership. Rose said that up to 50 outside memberships could be sold each year, but they were limited to those who lived nearby or who were former residents of New Mark.

Under old business, the Board discussed the goose problem. Bob Carty had done additional research on Rejex-it. He said that 40 pounds of Rejex-it cost \$299.00 and would cover about an acre. He said that signs would have to be posted when the chemical was applied, because it would rub off while it was still wet. He said that in Maryland, a licensed applicator would probably be required, even though the additive was supposed to be harmless. Since Canadian geese are a protected species, he suggested that we notify the appropriate agency before we commence spraying. Bob still felt that it would be more effective to plant fescue on the lake banks and to persuade people to stop feeding the geese. The idea of putting jagged rocks along the lake bank was also discussed. Rose agreed to ask EQR if this was possible. Swans were another possible solution that was proposed. Bob said he would try to get a speaker from the Department of Natural Resources who could talk to the Board about this issue.

It was decided to hold the August 6th meeting at the home of Anamika Krishna, 2 Letchworth Circle.

Upon a motion by Sherry, seconded by Anne, the meeting was adjourned at 10:35 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, AUGUST 6, 1998

ATTENDEES: Jean Rawson, Sherry Matz, Bob Carty, Anne Taylor, Anamika Krishna, Amy Sloan, Rose Krasnow, Rupert Curry, Ed & Christine Fisher, Joel Steinbach, Chris Bartlett.

The meeting was called to order at 7:35 P.M. Chris Bartlett, the City's Neighborhood Resource Coordinator, was present at his first New Mark Board meeting. Chris explained that he would be interacting with New Mark on a regular basis, informing the Board of any development or other activities that might affect the neighborhood and relaying the community's concerns on issues back to the appropriate staff. On this particular evening, Chris was accompanied by Mr. Joel Steinbach, who was doing the preliminary engineering for the single family homes proposed for the Barnsley property on Monroe Street adjacent to both Lakeside Overlook and the 100 block of NME. Mr. Steinbach explained that his company only worked on small, infill pieces of property no more than 8 - 9 acres in size. The Barnsley property is a little over two acres. While the original plans showed seven new homes, apparently only six would be feasible because the city wished to preserve a large stand of trees to the rear of the property. Mr. Steinbach pointed out that he could not really talk about the type of house that would be built or its price because ~~once~~ once the engineering was complete and permits obtained, his firm would sell the property to a builder. Christine Fisher asked if a wall would be built to screen the homes from the 100 block townhouses. She pointed out that the Barnsley property sat at a higher elevation than New Mark, and she was concerned that the houses would tower over the community, similar to the homes on Monument Place. A wall or more trees would help soften the effect. Mr. Steinbach thought that a buffer would be included. In response to another question, Mr. Steinbach said there should be less stormwater runoff because the water will be piped directly into the storm drainage system. Chris Bartlett said that there would be plenty of time for citizen input once the planning commission started looking at the detailed site plan.

Rupert Curry was present to discuss the Board's ruling that he could not keep his burned out boat in the clubhouse parking lot. Mr. Curry said that the County police had advised him that the boat should remain in the lot until the investigation was complete. The Board pointed out that the incident had occurred almost two months ago (June 11). The boat was an eyesore that lowered property values and conveyed a poor image of our community. Anamika pointed out that the whole community was sorry this had occurred and hoped that the culprit(s) would be found. Anne said that it would be helpful to talk to the county police to better understand the nature of their investigation and to learn if it was likely that the boat could be removed by a certain date so that

the community could be kept informed. Rupert said he would call Rose the next day to give her the name of the police investigator.

After noting one minor typo, the minutes of the previous meeting were approved upon a motion by Amy, seconded by Bob. Jean abstained since she had not been present in July.

Under her Administrator's Report, Rose covered the following items:

- 1) Dues - In two months, the number of delinquent dues had dropped from 81 to 18 to 12. At least two more checks were said to be in the mail.
- 2) Projects - The asphalt sealing had gone well thanks to wonderful weather and the full cooperation of residents. The erosion work was almost complete although new problems seemed to crop up without warning. For example, immediately adjacent to the storm drain in the drive leading into the 200-300 block, the roadway appears to be dropping significantly. Mr. Sivert will seek to determine both cause and solution. The plunge pool had been cleaned out by EQR. Most of the collected sediment was sand, probably as a result of all the snow a few years ago.
- 3) Pool - The swim team had been so pleased with their two coaches that they urged the Board to use Curl for another year, as long as we were assured that the two coaches would return. The pool lights still were not working correctly. Rather than continue to run up an ever larger bill with Electric Advantage, Rose hoped that Rick Curl might be able to give us some advice. Rose also hoped to obtain a bid for converting all the pool lighting to low voltage lighting for the 1999 season.
- 4) CAI Workshop - Ken and Sherry had attended the latest CAI workshop. Sherry said that she had found the ABC manual given out at the meeting to be extremely worthwhile, and she proposed that we might want to buy a set that could be read by current Board members and then passed on in the future to new Board members. She offered to look into the price of the book to see if the price was reasonable.

Under committee reports, Rose said that the ACC had rejected both parts of Mr. Azami's application because they felt that the railing was not compatible with existing exterior railings and that Mr. Azami had indeed encroached upon the common ground. Anamika said that Ken had conveyed to her his opinion that the railing was acceptable, but everyone else on the Board agreed with the ACC committee's decision. Mr. Azami would be notified, after Rose consulted with our attorney, Jeff Van Grack.

Under old business, the Board agreed that something had to be done about the geese, which numbered 72 at most recent count. Several alternatives were discussed: treating the area around the lake with Rejex-it; stretching a grid of wires across the lake, finding and destroying the nests, and placing jagged rocks around the lake bank. Jean suggested that we try Rejex-it this year, and budget

for the border collie next year. Sherry said taking some action would help to deflect community criticism. Bob said that we would need to notify the community so that they would understand that Rejex-it is completely non-toxic. Bob moved that we authorize up to \$1000 to purchase Rejex-it and pay someone to apply it. Sherry seconded the motion, which passed unanimously. Anamika said that Ken also supported a more aggressive stance with respect to eliminating the geese.

Regarding Tower Oaks, Rose said that the situation had reached an impasse, with Mark adamantly against moving ahead with plans for 12 homes and many others favoring the idea. Anamika said that she wondered why the City had agreed to an arrangement whereby any resident of Don Mills Court could effectively preempt the Association's decision, since all residents of the block had to approve before access from Don Mills Court to the new homes would be allowed. The Board decided that the President should draft a letter that would be sent, along with the letter recently received from Bill Kominers, attorney for Tower Oaks, to all residents who might be affected by this project, including residents of the 700 block of NME and those who live along Scandia and the adjacent streets. It was hoped that the letter would prompt others beside Mark to discuss their feelings regarding the proposed development. A response would be requested by a date certain, so that the Board could then take a position on this issue.

Under new business, Rose pointed out that the home at 501 NME had a variance notice posted on the lawn. The homeowner wanted to expand the rear deck, but to make this possible, the city would have to agree to a variance from the rear yard setback because the lot was very narrow. The ACC had already approved the deck.

Also under new business, Rose said that she had been asked if vegetables could be sold in the Clubhouse parking lot. Several years ago, before the City's farmers market was begun, a local farmer named Mr. Yates had sold vegetables in this manner. Mr. Yates had since moved on to the Rockville market, but his son wanted to sell within the community. The Board had no objection to this proposal.

Upon a motion by Sherry, seconded by Anne, the meeting was adjourned at 10:15 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, SEPTEMBER 3, 1998**

ATTENDEES: Ken Misner, Jean Rawson, Anne Taylor, Bob Carty, Anamika Krishna, Sherry Matz, Amy Sloan, Torri Schaffer & Steve Levy. Also attending were Jeff Abramson and Rory Deshowitz from the Tower Companies, Chris Gordon and Ben Kishimoto from the architectural firm of Kishimoto & Gordon, and Bill Kominers, attorney for the Tower Companies.

The meeting was called to order by President Ken Misner at 7:35 P.M. Plans for developing the North Gateway site at Tower Oaks (located just north of Wootton Parkway and east of I-270) were presented to the Board. The building will contain approximately 270,000 square feet of office space and be 10 stories high. Every attempt had been made to incorporate the topography into the design and to save as many trees as possible. At least 60% of the parking would be in parking structures with the garage set into the slope of the land. Efforts had been made to minimize the size of those sides of the building (north and south) which were most likely to be seen from the adjacent residential neighborhoods. The building as proposed would be about 600 feet from Kathy Gall's home at 11 Scandia. Questions were asked about the construction schedule (grading expected to begin in April of '99 with occupancy in late 2000); construction vehicles (all would enter and exit from the South); building materials (glass and painted metal); and the possibility of other buildings being added on the site later (technically, another 30,000 feet of office could be added, but the site itself would not permit it). Bill Kominers explained that the building would go through a two step process: 1) Schematic Design Review before the Planning Commission, considering factors such as height, bulk and mass and 2) Detailed site plan before the Mayor and Council, considering issues such as landscaping required, lighting, and so forth. The two steps would be pursued almost simultaneously, in order to meet the hoped for construction schedule. Bill asked the Board members to let him know of any further questions they might have. Representational drawings would be sent over to New Mark for additional review.

Torri Schaffer and Steve Levi Of 320 New Mark Esplanade were seeking permission to purchase a pickup truck, specifically a Ford F150. They knew that the covenants and parking regulations do not allow trucks of a commercial character or those with dimensions greater than specified, so they wanted to know if the Board would object to a truck that was 4 inches longer than the guidelines set forth. Steve stated the vehicle would be used for both family and work, but he promised that it would have no exterior signs, ladders or pipes. A cap would be added which would make the vehicle look less like a pickup, and Steve said he would park it an area that was not immediately in front of any townhouse units. The Board thanked the couple for seeking the Board's assent and agreed to discuss the matter under new business later in the meeting.

After one typographical error was noted, Jean moved that the minutes and the agenda be approved. Sherry seconded the motion, which passed by a vote of 6-0. Ken abstained because he had not been present at the last meeting.

As a follow-up to the prior meeting, Anamika asked whether Azami had been notified that his ACC applications had been turned down. Rose replied that the city had intervened, because Mr. Azami had not obtained the necessary building permits. He was fined \$100 and still had to file. The City's approval would be contingent upon a positive response from the Association.

Ken Misner mentioned that he had received an E-mail from Barbara Cano, praising the immediate follow-up provided by the city's neighborhood resource coordinator, Chris Bartlett.

Under the Administrator's Report, Rose discussed the following items:

- 1) YTD Budget - Despite some unexpected expenses, it still appeared that the operating budget would be adequate to cover the remaining expenses for '98. Board members asked several questions about the figures, but most of the attention focused on the large amount of money that went to operating the pool for three months of the year. Anamika suggested that we more aggressively seek outside members to offset some of the cost. In addition, all seemed to agree that the swim team should help offset the high cost of hiring two coaches. There was some discussion as to whether the hours should be cut back, either by opening later or by staying closed on Mondays. The Board agreed to make the pool a priority issue of the October Board meeting. Rick Curl, along with the President of the Swim Team Parents, would be invited to attend.
- 2) Dues - Ten people were still in arrears. Liens were in place against 3, with lien action against a fourth about to commence. Four others were making monthly payments; while the remaining two were only one payment in arrears.
- 3) Projects - Concrete replacement and the restriping of the townhouse lots would take place sometime in the next two weeks. An issue had been raised concerning the two parking spots in front of 328 and 330. Parking had not been allowed there in earlier years, and it made it very difficult for other car owners in the area to maneuver in and out. The fire marshal had been consulted to see if this area was, in fact, a fire lane; however, he ruled that it was not. There was a general consensus to leave the situation as it was, unless all the residents between 318 and 336 could agree to a change.
- 4) Correspondence - Rose handed out CAI certificates that Ken and Sherry had received for completing the ABC's workshop. Sherry said that she had looked into purchasing the ABC handbook for each Board member but found that it was only available to those people who took the course. Ken said a bigger book could be purchased for \$39.00, but there was no real interest to proceed. Ken also asked the Board if they thought New Mark should apply for CAI's "Association of the Year" award. Rose pointed out that she had submitted an application two years ago, but New Mark had not won. Anamika asked if there were some areas in which New Mark could improve. For example, the application asked about political/social action activities. There was a consensus that Ken and Rose could submit an application if they wished to work on it, but that it might be wiser to wait a year. In other correspondence, Rose read the letter from Mr. Tannozzini of 290 NME which stated that the Association could proceed to take down the large tree and address the sidewalk problem in front of his home. Rose pointed out that both the tree and sidewalk were on his private property. It was suggested that the City Inspector be asked if the property could be cited. Amy pointed out that Mr. Tannozzini could not

delegate his duty as a land owner. Finally, Rose said that in response to her letter to the tenant at 158 NME, the landlord had called from Florida to say that he would not renew the tenant's lease, which would expire before year end.

There were no officer or committee reports. Under old business, the Board agreed to order 40 pounds of ReJex-It and to find a landscaper or someone else who could spray the material on the grass around the lake. Bob pointed out that a licensed applicator was not required, because ReJex-It was composed of all natural substances. However, the applicator would need goggles, gloves, and a respirator, so it seemed best to hire someone accustomed to using that sort of equipment. Bob suggested that we write a letter for the record to the Maryland Department of Agriculture, letting them know we were undertaking this application. Amy also pointed out that Fall would be the time to plant fescue around the lake. Geese were not supposed to like fescue. Rose agreed to ask Greenlink about this possibility.

With respect to Tower Oaks, Ken had not yet received a single response to his letter asking for comments about the proposed single family homes off of Don Mills Ct. In order to move this issue along, the Board agreed to give those affected the rest of the month to reply. A vote would then be taken at the October 1 Board meeting.

Under new business, Rose pointed out that the budget process would begin next month. She would distribute the necessary materials prior to the meeting. The Board then discussed whether or not to allow Steve Levi's truck. There was a division of opinion among the Board, with some members clearly believing that the covenants intent was to prohibit trucks altogether because they tended to have a commercial connotation. Bob moved that we not approve the truck. Anne seconded the motion, which went down on a vote of 4 - 2, with Sherry abstaining. Anamika then moved that we approve the specific truck requested by Mr. Levi. Jean seconded that motion, which carried by a vote of 4 - 2, with Sherry abstaining.

Bob pointed out that at the August meeting, the Board had allocated up to \$1000 for combating the goose problem with ReJex-It. Now that a decision had been made to hire a professional applicator, Bob moved that we modify the original motion by increasing the \$1000 amount to \$2000. Jean seconded the motion, which passed unanimously.

Upon a motion by Jean, seconded by Sherry, the meeting was adjourned at 10:40 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, OCTOBER 1, 1998**

ATTENDEES: Ken Misner, Jean Rawson, Anne Taylor, Bob Carty, Anamika Krishna, Sherry Matz, Amy Sloan, Rose Krasnow, Jim Whalen, Fay Want, Jim & Dorie Mangan, Kathy Gall, and Jim Denny. Rick Curl, of Curl Swim Services, also attended.

The meeting was called to order by President Ken Misner at 7:35 P.M. Rick Curl was present to discuss the 1999 pool management contract. He offered the Board a three year contract, with the price increasing by 3% the first year, holding steady the second, and going up by another 3% the third year. He said that while he knew the Board wanted Nicole and Adriana back as managers, he could not guarantee this. Adriana was not certain that she wanted to manage another year, and if Rick won a large contract in P.G. County that he had bid on, Nicole would become the year-round manager of that facility. The Board then asked Rick if he could recommend any cost saving measures. Jim Mangan pointed out that people never sign in, so that the system for collecting guest fees was not very effective. The Board wondered how much would be saved if the pool opened an hour later during the week or closed an hour earlier. Other options discussed included shortening hours only during the month of August and opening at noon on weekends. Rick agreed to come up with some figures for the savings generated by any of these changes. The Board also decided to include a pool survey in the next newsletter, asking residents which option they might prefer.

Other pool issues discussed included the need for a shade structure and whether it was worth the dollar cost involved to repair the lights in the pool rather than removing them and filling in the holes. Rose also mentioned to Rick that the pool staff had ordered some expensive and unnecessary supplies from a firm in Ohio. Rick said they had not authorization to do this and that he would look into the matter. After Mr. Curl departed from the meeting, the Board concurred that it would be wise to bid out the pool contract for next year. Rose was also asked to invite the swim team leadership to the next Board meeting.

Ken mentioned that a representative from the Greater Rockville Partnership had originally planned to attend the meeting to discuss what was happening in downtown Rockville. Rose gave an update instead.

After correcting one small typographical error, the minutes were approved as read upon a motion by Jean, seconded by Bob Carty. Amy then moved that the agenda be amended to allow the Tower Oaks to be held before the Administrator's report. Sherry seconded the motion, which passed unanimously.

Under Officer and Committee reports, Jim Denny pointed out that the Rothberg's, of 286 NME, had requested permission to remove the large brick wall in front of their home and replace it with a timber wall and fence. The Committee felt that this would violate the ACC guidelines but was bringing this matter to the Board for their input. Members of the Board agreed to go take a look at the property in question.

The Board discussed how it should respond to Tower Oaks regarding the homes proposed south of Don Mills Court. Amy said that she was in a quandary over who to believe, the residents or the developer, but on the whole she felt that the burden of proof regarding the best number of homes rested on Tower Oaks. After much debate, there seemed to be a consensus that the Board favored the construction of homes as part of New Mark, but wanted to take no position regarding the best number between 7 and 12. In addition, other questions still had to be resolved, such as the amount of the buy-in, the construction materials to be used, the amount of additional common area that NMC would become responsible for and so forth. Rose and Ken were asked to prepare a draft letter reflecting the above concerns. This could then be circulated to the Board for comment before being sent on to Mr. Kominers.

Under her Administrator's report, Rose discussed the following items:

1. Geese: The repellent, known as Rejex-it, had arrived and was very potent in terms of smell. Rose had brought it to the meeting just to be sure that no one objected to its application. Greenlink had offered to spray the area around the lake for \$150 per application. The Board agreed that it would be wise to give the product a try. Anamika asked that the landscaper be required to post small flags indicating that the spraying had occurred.
- 2) Maintenance: Before closing the pool, Curl was supposed to determine whether or not it was feasible to repair the interior pool lights. However, the pool cover had just been installed, and Rose had heard nothing about the lights.
- 3) Erosion: Danny Sivert would be returning to the community to work on a few smaller projects.

Anamika asked if there was ever an extensive cleaning of the woods along either side of the path. She said a pervasive smell had become noticeable of late.

Under new business, the following items were discussed:

- 1) Budget - A proposed budget for 1999 had been distributed. Discussion of the budget would occur at the November Board Meeting.
- 2) Dogs - Lynn Hershon, of the 800 block of NME, had started posting her own signs to try to discourage people who were not cleaning up after their dogs.
- 3) Rose was asked whether the hedge near the intersection of Richard Montgomery Drive and Fleet Street could be trimmed back by the city.
- 4) Susan Klise wanted to know if a backboard would be considered for the tennis courts.

Upon a motion by Amy, seconded by Sherry, the meeting was adjourned at 10:10 p.m.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, NOVEMBER 5, 1998**

ATTENDEES: Ken Misner, Jean Rawson, Anne Taylor, Anamika Krishna, Sherry Matz, Amy Sloan, Rose Krasnow, Pat Meagher, Dru Mogge, Anne Stewart, Joanna Kolker, Jim Denny, Ed and Christine Fisher.

The meeting was called to order by President Ken Misner at 7:30 P.M. The Fishers, of 142 NME, were present to appeal the Architectural Control Committee's denial of their request to build a three foot privacy fence on top of the brick wall surrounding the patio in front of their townhome. While they acknowledged that the covenants said that there could be no fences to the front of a living unit except for original construction, they felt an exception might be in order given the uniqueness of their location. Their home was located immediately across from the lot where six new homes were to be built on Monroe Street. In addition, their end unit sat at a low point adjacent to the sidewalk, exposing their front patio to anyone who walked by. Ed mentioned that the Tegner townhouses had fences atop their stone walls, and Jim Denny said that there was also a fence atop a brick wall at 158 NME. The Board agreed to take a look at the Fisher's property and 158 NME, before making a decision on the Fisher's appeal.

Joanna Kolker, of 14 Tapiola Court, was present to discuss the circle in front of her home. For years, she had been trying to get ivy to grow on the circle, which was dominated by a large evergreen tree. Now the tree appeared to be dying, and the landscapers kept mistaking the ivy for a weed. Rose agreed to ask the city if the tree could be removed; if so, a new landscape plan for the island could be created. In the meantime, Rose would ask the landscapers to leave that island alone. Ms. Kolker also mentioned that she had a terrible problem with dogs urinating on the plants in her front yard. The Board said it might allow some type of low landscape fencing, 6 to 12 inches high, to be placed around the plants in questions; Ms. Kolker agreed to look into this.

Dru Mogge, Swim Team Rep, and Ann Stewart, Swim Team President, were present at the request of the Board, to discuss the pool budget, most notably the rapid increase in salaries for the coaches. The Board felt that it could not continue to absorb the entire cost of the coaches and was looking for a greater contribution from the team itself. Ann said that our coaches' salaries were not particularly out of line. She pointed out that she and Dru had both just assumed their positions with the team, and that they were hesitant to take on the need to raise additional funds this year. Nevertheless, Ann acknowledged that it might be possible to raise the annual fee for each term member, charge more for the annual banquet, or host a fund-raiser. Ann suggested if the Board set an amount for coaches' salaries, the team could then seek out coaches who would work for that amount. Ann and Dru agreed to make the other swim team parents aware of this issue in a letter that would be going out soon.

Several typographical errors in the minutes of the October meeting were corrected. Upon a motion by Jean, seconded by Anne, the amended minutes and the agenda were approved unanimously.

Under her Administrator's Report, Rose covered the following items:

- 1) Graffiti - Obscene graffiti had been painted on the slate atop the lake steps. To date, all attempts to remove it had failed because the slate was so porous that it absorbed the paint. The Board suggested covering the graffiti with paint that matched the color of the slate as closely as possible.
- 2) Geese - The second application of Rejex-It had been completely unsuccessful. The geese actually appeared to like the taste. Rose agreed to call the manufacturer and Greenlink to see if mistakes had been made in the application process. The Board also suggested that other Homeowner Associations in Rockville be consulted to see if they too were having problems with geese. If so, the HOA's might be able to share information on what works and what doesn't.
- 3) Dues - Rose pointed out that the owner of 898 NME had filed for bankruptcy, so the Board should not expect to get any of the dues still outstanding. In addition, when 13 Tapiola changed hands (apparently within the same family), only the dues for the past 6 months were paid, leaving approximately \$500 outstanding.
- 4) Concrete - The Bloom's, of 7 Bentana Court, felt that the concrete contractor had cracked the foundation of their home while replacing the stoop in front of their home. The contractor denied any liability. Rose was not sure how to proceed. Anamika suggested that the City might be able to suggest names of home inspectors. Rose said that she would consult with Jeff Van Grack, the Association's attorney. In general, the Board felt this was an issue between the homeowner and the contractor and should be resolved by the two of them.
- 5) Correspondence - An update on regulating antenna locations had been received from CAI.

Under committee reports, the Board discussed three architectural control matters.

- 1) 142 NME had been addressed during community forum.
- 2) The neighbors of Mr. Azami (222 NME) felt that he had obtained their signatures on an architectural control form fraudulently, without accurately telling them that he planned to extend his living room by enclosing the second floor balcony. The ACCd had approved this modification, since many others in New Mark had done the same thing. The Board agreed that the modification was acceptable, despite the concerns of the neighbors.
- 3) Myrna Rothberg, of 286 NME, was unable to attend the Board meeting because she had recently undergone hip replacement therapy. However, she strongly disagreed with the ACC's denial of her plans to replace the brick walls to the front of her house with wooden ones. She hoped the Board would work with her to resolve this matter as soon as possible.

Under old business, the Board discussed the following:

- 1) Tower Oaks - Upon a motion by Army, seconded by Sherry, the Board approved a letter to be sent to Bill Kominers regarding the homes proposed just south of Don Mills Court. Rose was asked to send copies of the letter to all affected residents.
- 2) Pool Survey - Approximately 15% of residents returned the pool survey. Based on their responses, closing the pool an hour early was the most preferred way to cut down on expenditures. Several Board members expressed concern that the entire community was being asked to subsidize the activities of only 40 - 50 swim team families. Sherry recommended capping the Board's contribution toward the coaches' salary at \$6000.00. The matter was tabled for future discussion.

- 3) Budget - Rose said she would publish the proposed budget in the next newsletter and would invite residents who had questions to attend the December meeting. Ken asked several questions about the figures in the proposed budget. For example, he felt we needed to increase the amount set aside for contingencies by \$1000 and that \$500 should be put into the line item for vandalism. Rose pointed out that a line item would be added for "Allowance for bad debt" to reflect those funds that the Association would never receive, either as a result of bankruptcy or of foreclosure.

Under new business, Rose pointed out that time was growing short for the community to have any input into the Street Tree master plan. However, an article about the plan would appear in the November newsletter.

A request had been received from a Cub Scout Troop, asking if the clubhouse could be used for their monthly meeting. Sherry made a motion to let this occur; Anne seconded the motion, which passed unanimously.

Rose shared the information she had obtained about the possibility of creating a New Mark Web Page. A newsletter article would look for those people who might want to create or update such a web page.

Upon a motion by Anne, seconded by Amy, the meeting was adjourned at 10:20 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, DECEMBER 9, 1998**

ATTENDEES: Ken Misner, Jean Rawson, Anne Taylor, Bob Carty, Sherry Matz, Amy Sloan, Rose Krasnow, Linda Silversmith, Helen Reed. Guests: Mr. Tolbert Feather and Rob Omdorff, representing the City of Rockville.

The meeting was called to order by President Ken Misner at 7:35 P.M. Mr. Rob Omdorff had been invited to speak to the Board about the street trees that had been proposed for New Mark as part of the City's efforts to adopt a street tree master plan. The landscape committee had reviewed the proposal and had raised several questions, which Mr. Omdorff was asked to address. Rob explained that the City felt a need to diversify the tree species within a neighborhood to prevent a problem like the one that had occurred in Fallsmead. Pin oaks were planted throughout that community, and when they fell prey to Bacterial Leaf Scorch, the tree population was decimated. Mr. Tolbert, the city's consultant, had proposed new trees based on the following criteria: The size of the planting area, the presence of utilities, and the type of trees currently planted in a neighborhood. The hope was to have only one type of tree on any given street, but to vary the type as you moved from one street to another. Rob pointed out that existing street trees are removed only if they are extremely hazardous or dead. In certain cases, the planting space is so small or the shade nearby so great that no new tree will be planted where one had been before, but this is rare. Ken asked about the size of newly planted trees. Rob said usually 2 ½ inch caliper trees were planted because these were most likely to survive the transplantation and to grow rapidly. Rob stressed that while certain species of trees might have been known for various problems in the past, many improvements had been made over the years. For example, while the Bradford pears tended to split at maturity, newer pear species did not. Likewise, today's crabapple trees no longer fall victim to disease so readily. Ken also asked if a resident could ask the city not to replant a tree that had died. Rob pointed out that the State has jurisdiction, but the Park Board served as the arbitrator when disputes arose. Before departing, Rob stressed that the choice of trees is really up to the community, and he encouraged the Association to come up with its preferred list.

Upon a motion by Jean, seconded by Sherry, the minutes and agenda were approved, with only one small typographical correction. Bob Carty abstained, since he had not been present for the meeting in question.

Under her Administrator's Report, Rose covered the following items:

- 1) Geese: A conversation with RJ Advantage, the maker of Rejex-It, had not yielded much information. The company expressed surprise that the product had not worked, and reiterated that normally a single application does the job. It was suggested that the resident geese may have moved elsewhere, but migrating geese may have taken their place. Likewise, the tech support person at Rockland, the company from which we had ordered the Rejex-It, seemed equally surprised. EQR was still willing to provide a Border Collie and would work with New Mark to keep the price as low as possible. For example, it might be possible to use the dog for six weeks in the spring and six weeks in the Fall. Bob offered to contact the

representative from the State Dept. of Natural Resources to see if further information could be gathered about the effectiveness of Rejex-It. In the meantime, Bob suggested that we apply Rejex-It weekly for several weeks next Spring.

- 2) Island on Tapiola - The City Forester agreed that the evergreen tree on the island near 14 Tapiola was not doing well, but did not feel it should be removed at this time. Although he pointed out that the Association was responsible for maintaining the islands, he was not certain whether we could decide to remove the tree without city approval. The Matter had been referred to legal.
- 3) Graffiti - The City had recommended a company in Virginia that might be able to help us remove the graffiti on the lake steps. Jim would contact them.
- 4) Bentana Concrete - The contractor was willing to assume responsibility for resolving the dispute with the homeowner at 7 Bentana Court regarding his front stoop and walk. However, Rose had talked to Jeff Van Grack and he said that if the Association was going to continue to allow residents to piggyback onto the community's contract, a release waiver should be obtained from each one. He agreed to draft such a waiver.
- 5) 286 NME - The homeowner had come up with a modified proposal that would allow brick faced columns to be placed in front of the existing brick wall to hold it up. In response to a call from Rose, brick mason Paul Lineberger agreed to take a look at the walls in question to see whether he could build new walls at a more reasonable price than that obtained by the Rothbergs.
- 6) Tower Oaks - The Association's response to the homes proposed for the land south of Don Mills Court had finally been sent, with copies going to all affected residents.
- 7) Web Page - Several residents had expressed some interest in working on a NMC Web Page.
- 8) Landscape Proposals - The Board discussed the two proposals received from Stolburg Landscaping for the land next to 132 NME and the Watchwater Court Circle. After quite a bit of discussion, Amy moved that Rose be authorized to move forward with the circle relandscaping once the adjacent residents had been notified and indicated their approval.
- 9) Contracts - The striping had finally been done, but in some instances, the black paint was bleeding through the yellow paint. The contractor agreed to redo those.
- 10) Correspondence - 4 Radburn Court had an early February Court date regarding the outstanding lien on the property.

Since Board members had not looked at the property at 142 NME to determine whether a privacy fence could be placed atop the brick wall in front of the unit, this matter was deferred until January.

Under old business, the Board discussed several aspects of the 1999 budget. With respect to the landscape contract, Rose said that she had checked Stohlburg's references and had found them to be excellent, but he clearly had not handled any developments the size of New Mark. After considerable debate, Jean moved that we renew our contract with Greenlink for only year only. Sherry seconded the motion, which passed unanimously. Rose was asked to invite the President of Greenlink to the next Board meeting so that issues of concern could be discussed.

Rose pointed out that all the bids received for pool management were considerably lower than Curl Swim Services. Nevertheless, none of the companies appeared to offer any substantial improvements in quality. Bob moved that Rose be authorized to approve a contract with Curl Swim Services, if the cost could be kept to \$45,000, including the cost of chemicals. Sherry seconded the motion, which passed unanimously.

Ken asked if the Reserve Fund, which would contain \$376,000.00 at the end of 1998, was overfunded. Rose pointed out that the Reserve Study done for the Association several years ago indicated that \$550,000 was needed in reserves to cover all future anticipated costs. Given that it was probably time to conduct another reserve study, Rose was instructed to solicit bids.

Anne moved that the budget be approved as presented. Bob seconded the motion, which passed unanimously.

Under new business, Bob expressed surprise that residents were finding high radon levels in their homes. He said that several years ago, the County had mapped out radon levels with 1 being low and 5 being high, and New Mark appeared to be on the low end of the scale. However, he pointed out that there were inexpensive tests, which homeowners could conduct themselves, that would measure the existing radon level within a home. He said that radon comes into a home through basement sump pumps, the heating system, and cracks in the floor and ceiling. All new construction requires vents that will alleviate any radon problems. Bob offered to get some additional information on this subject.

Upon a motion by Amy, seconded by Sherry, the meeting was adjourned at 10:05 P.M.